

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 12] NEW DELHI, SATURDAY, MAY 5, 1951

PART II—Section 2

Bills and Reports of Select Committees on Bills

PARLIAMENT OF INDIA

The following Bill was introduced in Parliament on the 26th April, 1951:—

BILL No. 43 OF 1951

A Bill further to amend the Benares Hindu University Act, 1951.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Benares Hindu University (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Substitution of certain expressions for certain other expressions in Act XVI of 1915.—In the Benares Hindu University Act, 1915 (hereinafter referred to as the principal Act), whenever an expression mentioned in column 1 of the Table hereunder occurs, then, unless otherwise expressly provided in this Act, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table.

TABLE

1	2
Benares	Banaras.
Council	Executive Council.
Regulations	Ordinances.
Senate	Academic Council.

3. Substitution of new sections for sections 4, 5 and 6, Act XVI of 1915.—For sections 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely:—

“4. *University open to all classes, castes and creeds.*—The University shall, subject to the Ordinances, be open to persons of either sex and of whatever race, creed or class, and it shall not be lawful

for the University to adopt, or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it.

4A. *Powers of the University.*—The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to promote Oriental, Vedic, Buddhist, Jain and other such studies and give instruction in Hindu religion and to impart moral and physical training;

(iii) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(a) shall have pursued a course of study in the University or in an institution maintained under sub-section (1) of section 15 or admitted to the privileges of the University under sub-section (2) of that section, or

(b) are teachers in educational institutions, under conditions laid down in the Statutes and Ordinances, and shall have passed the examinations of the University, under like conditions;

(iv) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes;

(v) to grant such diplomas to, and to provide such lectures and instruction for, persons not being members of the University, as the University may determine;

(vi) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(vii) to institute professorships, readerships, lectureships and any other teaching posts required by the University and to appoint persons to such professorships, readerships, lectureships and posts;

(viii) to institute and award fellowships (including travelling fellowships), scholarships, exhibitions and prizes in accordance with the Statutes and the Ordinances;

(ix) to institute and maintain Halls for the residence of students of the University;

(x) to demand and receive such fees and other charges as may be prescribed by the Ordinances;

(xi) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health; and

(xii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, to cultivate and promote arts, science and other branches of learning, including professional studies, technology, study of the Hindu religion, and to promote the interests of its students.

5. *Visitor*.—(1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(4) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

3. *Chief Rector and Rectors*.—(1) The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

(2) Such persons, not exceeding three in number, as may be appointed in this behalf in accordance with the Statutes, shall be the Rectors of the University."

4. *Amendment of section 7, Act XVI of 1915*.—In section 7 of the principal Act,—

(a) for item II, the following item shall be substituted, namely:—

"II. The Pro-Chancellor:

Provided that until one of the two Pro-Chancellors holding office at the commencement of the Benares Hindu University (Amendment) Act, 1951, ceases to hold office, there shall be two Pro-Chancellors."

5. Amendment of section 9, Act XVI of 1915.—In section 9 of the principal Act,—

(a) in sub-section (1), the words “in administrative matters,” shall be omitted;

(b) sub-section (2) shall be omitted.

6. Amendment of section 10, Act XVI of 1915.—In sub-section (1) of section 10 of the principal Act, for the word “Court”, the word “University” shall be substituted.

7. Amendment of section 11, Act XVI of 1915.—Sub-section (2) of section 11 of the principal Act shall be omitted.

8. Omission of section 12, Act XVI of 1915.—Section 12 of the principal Act shall be omitted.

9. Amendment of section 13, Act XVI of 1915.—For sub-section (1) of section 13 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.”

10. Amendment of section 14, Act XVI of 1915.—In section 14 of the principal Act, for the words “the States” the word “India” shall be substituted.

11. Amendment of section 15, Act XVI of 1915.—In section 15 of the principal Act,—

(a) in sub-section (1), for the words “in Benares” the words “within a radius of ten miles from the Senate House or if there is no Senate House, within a radius of ten miles from the foundation stone of the University” shall be substituted;

(b) in sub-section (2), for the words “in Benares” the words “within the aforementioned limits” shall be substituted.

12. Amendment of section 16A, Act XVI of 1915.—In section 16A of the principal Act after the word “pension” the word “insurance” shall be inserted.

13. Amendment of section 17, Act XVI of 1915.—In section 17 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Executive Council, the Academic Council, the Standing Finance Committee and such other bodies, as it may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the necessary officers of the University;

(d) the constitution of a pension, insurance or provident fund for the benefit of the officers, teachers, and other servants of the University;

(e) the conferment of honorary degrees;

(f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(g) the establishment of faculties and departments;

(h) the conditions under which colleges and institutions may be admitted to the privileges of the University and the withdrawal of such privileges; and

(i) all other matters relating to the administration of the University.”;

(ii) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

“(3) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter in this section provided.

(4) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or may return it to the Executive Council for reconsideration either in whole or in part together with any amendments which the Court may suggest:

Provided that the Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(6) All new Statutes or additions to the Statutes or amendments or repeals to Statutes shall require the previous approval of the Visitor who may sanction, disallow or remit them for further consideration.”

14. Substitution of new sections for sections 18 and 19, Act XVI of 1915.—For sections 18 and 19 of the principal Act, the following sections shall be substituted, namely:—

“18. *Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(e) the conditions of the award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the maintenance of discipline among the students of the University;

(h) the conditions of residence of students at the University;

(i) the arrangements, if any, which may be made for the teaching of women students and the prescription for them of special courses of study;

(j) the giving of religious instruction;

(k) the emoluments and conditions of service of teachers of the University;

(l) the management of colleges and other institutions founded or maintained under sub-section (1) of section 15;

(m) the supervision and inspection of colleges and institutions admitted to privileges of the University under sub-section (2) of section 15; and

(n) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

(2) The Regulations of the University as in force immediately before the commencement of the Benares Hindu University (Amendment) Act, 1951, shall be deemed to be the first Ordinances made under this section.

(3) The said Ordinances may be amended, repealed or added to at any time by the Executive Council:

Provided that—

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;

(ii) no Ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations;

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study;

unless a draft of such Ordinance has been proposed by the Academic Council.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (3) but may reject it or return it to the Academic Council for reconsideration either in whole or in part, together with any amendments which the Executive Council may suggest.

(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order;

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Central Government and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect.

(7) The Central Government may by order direct that the operation of any Ordinance shall be suspended until it has had an opportunity of exercising its power of disallowance and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(8) The Central Government may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council its disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall cease to have effect.

19. *Power to make Regulations.*—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and

(c) providing for all matters solely concerning such authorities and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under this section or the annulment of any such regulation:

Provided that any authority of the University which is dissatisfied with any such direction may appeal to the Court, whose decision in the matter shall be final."

15. Temporary provision for amendment of Statutes.—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as in its opinion may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statutes after the expiration of six months from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

The University Education Commission, while making certain recommendations in regard to University education generally, have also dealt with certain special problems relating to the Central Universities at Banaras, Aligarh and Delhi. These recommendations were generally approved by the Central Advisory Board of Education at their meeting in April, 1950. The Government of India, after careful consideration of the matter, have decided that while it is not necessary to change the names of the Benares and Aligarh Universities, the disqualifications imposed by the respective Acts on non-Hindus and non-Muslims being members of the Court of the University should be removed. They have also decided that the other recommendations of the University Education Commission, in so far as they relate to the Central Universities, should be implemented as far as possible. As the first step in this direction, it is now proposed to amend the Benares Hindu University Act in order to give effect to those recommendations.

2. The main features of the Bill are—

(i) religious instruction is to be given only to those who wish to receive it as required by article 28(3) of the Constitution;

(ii) membership of the Court is to be thrown open to all persons irrespective of religion or caste;

(iii) a section is to be inserted on the lines of the other two University Acts, specifying the powers of the University generally;

(iv) the President of India is to be the Visitor of the University and he shall exercise the same powers in relation to this University as he does as Lord Rector in relation to the Aligarh Muslim University;

(v) the Governor of Uttar Pradesh, who is now the Visitor, will henceforth be the Chief Rector of the University and provision is also made for the appointment of other persons as Rectors;

(vi) the present Council will become the Executive Council of the University, while the Senate and the Syndicate will be merged in the Academic Council.

8. Advantage is taken of this opportunity to make a few other minor amendments so as to bring this Act into line with the other two Central Acts wherever necessary. Amendments consequential on the recommendations of the University Education Commission will also be undertaken with respect to the other two Acts in due course.

4. The first Statutes which formed part of the Benares Hindu University Act had been considerably amended by the Court, and it is, therefore, proposed that the Central Government should assume power for a temporary period to make modifications in the Statutes, so as to bring them into accord with the Act, as now amended, and the recommendations of the University Education Commission.

ABUL KALAM AZAD.

NEW DELHI;

The 18th April, 1951.

The following Bill was introduced in Parliament on the 28th April, 1951:—

BILL NO. 44 OF 1951

A Bill to amend the Opium and Revenue Laws (Extension of Application) Act, 1950.

Be it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.

2. **Amendment of section 3, Act XXXIII of 1950.**—For clause (b) of section 3 of the Opium and Revenue Laws (Extension of Application) Act, 1950, the following clauses shall be substituted and shall be deemed always to have been substituted, namely:—

“(b) in the disposal of cases transferred to the Central Commission under clause (a), it shall have and exercise the same powers as it has and exercises in the investigation of cases referred to it under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and shall be entitled to act for the same term as under sub-section (3) of section 4 of that Act;

(bb) any decision given, whether before or after the commencement of this Act, by the Chief Revenue Authority of Travancore-Cochin in the exercise or purported exercise of any powers conferred on it by any law for the time being in force in the State shall be deemed to be a decision given by the Income-tax authority for the purposes of sub-section (2) of section 8 of the Travancore Taxation on Income (Investigation Commission) Act, 1124 (Travancore Act XIV of 1124);”

STATEMENT OF OBJECTS AND REASONS

By virtue of the Opium and Revenue Laws (Extension of Application) Act, 1950 (XXXIII of 1950), the cases referred to the Income-tax Investigation Commission appointed by the former Travancore State under the Travancore Taxation on Income (Investigation Commission) Act, 1124, stand transferred to the Commission constituted by the Central Government under the Taxation on Income (Investigation Commission)

Act, 1947. The main purpose of the Bill is to enable the Central Investigation Commission to exercise in relation to the cases transferred to it all the powers it has under the Central Act. The Bill also makes it clear that the life of the Commission in relation to the Travancore cases is co-extensive with its life under the Central Act.

In some of the cases referred to the Travancore Commission, the Chief Revenue Authority of Travancore, who was not an income-tax authority, had made certain unauthorised reductions in the assessments. Provision has been made that the Chief Revenue Authority may be deemed to be an income-tax authority in order that such unauthorised reductions may be set right.

C. D. DESHMUKH.

NEW DELHI;

The 20th April, 1951.

Notes on Clauses

Clause 2.—The proposed clause (b) of section 3 provides that the life of the Commission and its powers will be regulated by the Taxation on Income (Investigation Commission) Act, 1947.

The proposed clause (bb) deems the Chief Revenue Authority as an Income-tax authority so that any reduction given by it at any time can be set right by the Commission in the same way as a reduction given by an Income-tax authority.

The following Bill was introduced in Parliament on the 30th April, 1951:—

BILL NO. 45 OF 1951

A Bill to provide for Councils of Advisers in certain Part C States and for Legislative Assemblies and Councils of Ministers in Himachal Pradesh and Vindhya Pradesh.

BE it enacted by Parliament as follows:—

PART I

PRELIMINARY

1. *Short title.*—This Act may be called the Government of Part C States Act, 1951.

PART II

COUNCILS OF ADVISERS

2. *Definition.*—In this Part, “Chief Commissioner” means the Chief Commissioner of a Part C State in which there is, for the time being, a Council of Advisers constituted under section 3.

3. *Constitution of Councils of Advisers.*—(1) The President may, by notification in the Official Gazette, constitute for any State specified in Part C of the First Schedule to the Constitution, other than Bilaspur, a Council of Advisers for the purpose of assisting the Chief Commissioner in the discharge

of his functions under article 239 of the Constitution, except in so far as he is required by any law to exercise any judicial or quasi-judicial functions.

(2) The Council shall consist of such number of members, not less than two and not more than five, as the President may, from time to time, determine.

(3) If any question arises whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial function, the decision of the Chief Commissioner thereon shall be final.

4. Appointment, etc., of Councillors.—(1) Every member of the Council (hereinafter referred to as "a Councillor") shall be appointed by the President, and shall hold office during his pleasure.

(2) Before a Councillor enters upon his office, the Chief Commissioner shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the First Schedule.

(3) The salaries and allowances of Councillors shall be such as the Chief Commissioner may, with the approval of the President, by order determine.

5. Rules of Business.—(1) The President shall make rules—

- (a) for the allocation of business to the Councillors;
- (b) for the more convenient transaction of business in the Council;
- (c) for the procedure to be adopted—

- (i) in the case of a difference of opinion between the Chief Commissioner and the Council or a Councillor,
- (ii) in the case of equality of votes in the Council, and
- (iii) in the case of the Chief Commissioner being obliged to absent himself from a meeting of the Council.

(2) The question whether any, and if so what, opinion was expressed by the Chief Commissioner or a Councillor in regard to such business as aforesaid shall not be inquired into in any court.

6. Executive action in the name of the Chief Commissioner.—All executive action of the Chief Commissioner, whether ordered in Council or otherwise, shall be expressed to be taken in the name of the Chief Commissioner.

7. Authentication of orders, etc.—Orders and other instruments made and executed in the name of the Chief Commissioner shall be authenticated in such manner as may be specified in rules to be made by the Chief Commissioner in council, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Chief Commissioner.

8. Prevention of disqualification of Councillors for membership of Parliament.—It is hereby declared that the office of Councillor shall not disqualify the holder thereof for being chosen as, or for being, a member of Parliament.

PART III

LEGISLATIVE ASSEMBLIES AND COUNCILS OF MINISTERS IN HIMACHAL PRADESH AND VINDHYA PRADESH

CHAPTER I.—General

9. Interpretation.—(1) In this Part, unless the context otherwise requires—

- (a) 'article' means an article of the Constitution

(b) 'Assembly constituency' means a constituency provided by order made under sub-section (2) of section 10 for the purpose of elections to the Legislative Assembly of a State ;

(c) 'Election Commission' means the Election Commission appointed by the President under article 324 ;

(d) 'Judicial Commissioner' includes an Additional Judicial Commissioner ;

(e) 'scheduled castes' and 'scheduled tribes' in relation to a State means respectively the castes specified in the Sixth Schedule and the tribes specified in the Seventh Schedule to the Representation of the People Act, 1950 (XLIII of 1950), in relation to that State ;

(f) 'State' means the State of Himāchal Pradesh or Vindhya Pradesh.

(2) Any reference in this Part to laws made by Parliament shall be construed as including a reference to Ordinances made by the President under article 123.

CHAPTER II.—*Legislative Assemblies*

10. Composition of Legislative Assemblies.—(1) There shall be a Legislative Assembly for each of the States of Himāchal Pradesh and Vindhya Pradesh.

(2) The Legislative Assembly of Himāchal Pradesh shall consist of twenty four members of whom—

(a) twentyone shall be chosen by direct election, and

(b) three shall be nominated by the President.

(3) The Legislative Assembly of Vindhya Pradesh shall consist of forty-eight members of whom—

(a) fortytwo shall be chosen by direct election, and

(b) six shall be nominated by the President.

(4) Of the seats to be filled by direct election,—

(a) four seats in the Legislative Assembly of each State shall be reserved for the scheduled castes of that State, and

(b) four seats in the Legislative Assembly of Vindhya Pradesh shall be reserved for the scheduled tribes of that State.

11. Delimitation of constituencies.—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be constituencies as provided by order made under sub-section (2) and no other constituencies.

(2) As soon as may be after the commencement of this Act, the President shall by order determine—

(a) the constituencies into which each State shall be divided ;

(b) the extent of such constituencies ;

(c) the number of seats allotted to each constituency, and

(d) the number of seats, if any, reserved for the scheduled castes or for the scheduled tribes in each constituency.

(3) The President may, from time to time, after consulting the Election Commission, by order alter or amend any order made by it under sub-section (2).

(4) The Election Commission shall, in consultation with the Advisory Committee, set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950), in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sub-section (2) and submit proposals to the President for making the orders under that sub-section.

(5) Every order made under sub-section (2) or sub-section (3) shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

12. Duration of Legislative Assemblies.—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly :

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

13. Electoral rolls for Assembly constituencies.—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be an electoral roll for every Assembly constituency.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III of the Representation of the People Act, 1950 (XLIII of 1950), as relate to the areas comprised within an Assembly constituency shall be deemed to be the electoral roll for that Assembly constituency.

14. Qualification for membership of the Legislative Assembly.—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless he—

(a) is a citizen of India ;

(b) is not less than twenty-five years of age ; and

(c) (i) in the case of a seat reserved for the scheduled castes or the scheduled tribes of that State, is a member of any of those castes or tribes, as the case may be, and is an elector for any Assembly constituency in that State ;

(ii) in the case of any other seat to be filled by election, is an elector for any Assembly constituency in the State ;

(iii) in the case of a seat to be filled by nomination by the President, is ordinarily resident in the State.

Explanation.—In this section, the expression 'elector', in relation to a constituency, means a person whose name is for the time being entered in the electoral roll of that constituency.

15. Elections to the Legislative Assembly.—The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951, and of any rules

and orders made thereunder shall apply in relation to an election to the Legislative Assembly of a State, as they apply in relation to an election to the Legislative Assembly of a Part A State, subject to such modifications as the President may, after consultation with the Election Commission, by order direct.

16. Sessions of Legislative Assembly, prorogation and dissolution.—

(1) The Legislative Assembly shall be summoned to meet twice at least in every year and six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) Subject to the provisions of sub-section (1), the Chief Commissioner may from time to time—

(a) summon the Legislative Assembly to meet at such time and place as he thinks fit;

(b) prorogue the Assembly;

(c) dissolve the Assembly.

17. The Speaker and Deputy Speaker of the Legislative Assembly.—(1)

Until the President by Order directs that there shall be an elected Speaker, the Chief Commissioner shall *ex-officio* be Speaker of the Assembly; and as soon as may be after the President has so directed, the Assembly shall choose a member of the Assembly to be Speaker thereof, and so often as the office of Speaker becomes vacant, the Assembly shall choose another member to be Speaker thereof:

Provided that the Chief Commissioner shall continue to hold office as Speaker until the date of the first election of a Speaker by the Assembly under this sub-section.

(2) The Legislative Assembly shall, as soon as may be, choose a member of the Assembly to be Deputy Speaker thereof and, so often as the office of Deputy Speaker becomes vacant, the Assembly shall choose another member to be Deputy Speaker thereof.

(3) A member holding office as Speaker or Deputy Speaker of an Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office;

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(4) While the office of an elected Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Chief Commissioner may appoint for the purpose.

(5) During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(6) There shall be paid to an elected Speaker and to the Deputy Speaker of the Legislative Assembly such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine.

18. Right of Chief Commissioner to address and send messages to the Assembly after he has ceased to be Speaker thereof.—After the Chief Commissioner has ceased to hold the office of Speaker of the Legislative Assembly under section 17, he may address the Assembly and may for this purpose require the attendance of members and he may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

19. Oath or affirmation by members.—Every member of the Legislative Assembly of a State shall, before taking his seat, make and subscribe before the Chief Commissioner, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

20. Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.—(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of a State shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of a State shall be one-third of the total number of members of the Assembly.

(5) If at any time during a meeting of the Legislative Assembly of a State there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

21. Vacation of seats.—(1) No person shall be a member both of Parliament and of the Legislative Assembly of a State, and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the State.

(2) If a member of the Legislative Assembly of a State—

(a) becomes subject to any disqualification mentioned in section 22 for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,
his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of a State is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

22. Disqualifications for membership.—A person shall be disqualified for being chosen as a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as a member of either House of Parliament under any of the provisions of article 102, and shall also be disqualified for being a member of such Assembly, if he is for the time being disqualified for being a member of either House of Parliament under any of the said provisions.

23. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.—If a person sits or votes as a member of the Legislative Assembly of a State before he has complied with the requirements of section 19, or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State.

24. Powers, privileges, etc., of members.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of each State.

(2) No member of the Legislative Assembly of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly of a State and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of a State or any committee thereof as they apply in relation to members of that Assembly.

25. Salaries and allowances of members.—Members of the Legislative Assembly of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by order by the Chief Commissioner with the approval of the President.

26. Extent of legislative power.—(1) Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List.

(2) Nothing in sub-section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for such State or any part thereof.

27. Inconsistency between laws made by Parliament and laws made by the Legislative Assembly of a State.—If any provision of a law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after, the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void.

Explanation.—For the purposes of this section, the expression “law made by Parliament” shall not include any law which provides for the extension to the State of Himachal Pradesh or Vindhya Pradesh of any law in force in any other part of the territory of India.

28. Sanction of the President required for certain legislative proposals.—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the President, if such Bill or amendment makes provision with respect to—

- (a) any of the matters enumerated in the Concurrent List ; or
- (b) any of the following matters, namely :—
 - (i) constitution and organisation of the court of the Judicial Commissioner ;
 - (ii) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List ;
 - (iii) universities ;
 - (iv) land tenures including the relation of landlord and tenant, and the collection of rents ;
 - (v) forests ;
 - (vi) regulations of mines and mineral development ;
 - (vii) acquisition or requisitioning of property ; and
 - (viii) State Public Services and State Public Service Commission.

29. Special provisions as to financial Bills.—(1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of a State except on the recommendation of the President, if such Bill or amendment makes provision for any of the following matters, namely :—

- (a) the imposition, abolition, remission, alteration or regulation of any tax ;
- (b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;
- (c) the appropriation of moneys out of the Consolidated Fund of the State ;
- (d) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure ;
- (e) the receipt of money on account of the Consolidated Fund of the State or the custody or issue of such money :

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India or the Consolidated Fund of the State shall not be passed by the Legislative Assembly of a State unless the President has recommended to that Assembly the consideration of the Bill.

30. Procedure as to lapsing of Bills.—(1) A Bill pending in the Legislative Assembly of a State shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of a State shall lapse on a dissolution of the Assembly.

31. Assent to Bills.—(1) When a Bill has been passed by the Legislative Assembly of a State, it shall be presented to the Chief Commissioner and the Chief Commissioner shall reserve the Bill for the consideration of the President.

(2) When a Bill is reserved by a Chief Commissioner for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that the President may direct the Chief Commissioner to return the Bill to the Legislative Assembly together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.

32. Requirements as to sanction and recommendations to be regarded as matters of procedure only.—No Act of the Legislative Assembly of a State, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the President.

33. Annual financial statement.—(1) As from the financial year commencing on the 1st day of April, 1952, the Chief Commissioner of each State shall in respect of every financial year cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, a statement of the estimated receipts and expenditure of the State for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the State, and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

(a) the emoluments and allowances of the Chief Commissioner and other expenditure relating to his office as determined by the President by general or special order ;

(b) the salaries and allowances of the elected Speaker and the Deputy Speaker of the Legislative Assembly;

(c) expenditure in respect of the salaries and allowances of a Judicial Commissioner ;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(e) any other expenditure declared by the Constitution or by Act of Parliament to be so charged.

34. Procedure in Legislative Assembly with respect to estimates.—(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly of the State, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

35. Appropriation Bills.—(1) As soon as may be after the grants under section 34 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this section.

36. Supplementary, additional or excess grants. (1) The Chief Commissioner shall—

(a) if the amount authorised by any law made in accordance with the provisions of section 35 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 33, 34 and 35 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant.

37. Rules of Procedure.—(1) The Legislative Assembly of a State may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business :

Provided that the Chief Commissioner shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business ;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders in force immediately before the commencement of this Act with respect to the Legislative Assembly of the State of Uttar Pradesh shall have effect in relation to the Legislative Assembly of a State subject to such modifications and adaptations as may be made therein by the Chief Commissioner.

38. Language to be used in the Legislative Assembly.—(1) Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in Hindi or in English.

(2) Unless Parliament or the Legislative Assembly of the State by law otherwise provides, this section shall, after the expiration of a period of fifteen years from the commencement of the Constitution, have effect as if the words "or in English" were omitted therefrom.

39. Restriction on discussion in the Legislative Assembly.—No discussion shall take place in the Legislative Assembly of a State with respect to the conduct of any Judicial Commissioner for the State or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

40. Courts not to inquire into proceedings of the Legislative Assembly.—(1) The validity of any proceedings in the Legislative Assembly of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly of a State in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III.—*Councils of Ministers*

41. Council of Ministers.—(1) As from the date on which the Legislative Assembly of a State is, after having been duly constituted under the provisions of this Part, summoned to meet for its first session, —

(a) the Council of Advisers constituted for that State under section 3 shall be deemed to be dissolved ; and

(b) in respect of matters enumerated in the State List and in the Concurrent List, the administration of the State shall vest in the Chief Commissioner acting with a Council of Ministers, except in so far as he is required by any law to exercise any judicial or quasi-judicial functions.

(2) If any question arises as to whether any matter is or is not a matter falling under clause (b) of sub-section (1), the decision of the Chief Commissioner thereon shall be final.

(3) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court.

42. Other provisions as to Ministers.—(1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Chief Commissioner shall preside at meetings of the Council of Ministers, and during the absence of the Chief Commissioner the Chief Minister or, if he is also absent, such other Minister as may be determined by the rules made under sub-section (1) of section 43, shall preside at meetings of the Council.

(4) Before a Minister enters upon his office, the Chief Commissioner shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the First Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the State shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the State may from time to time by law determine, and, until the Legislative Assembly so determines, shall be determined by the Chief Commissioner with the approval of the President.

(7) Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this sub-section, be entitled to vote.

43. Conduct of business.—(1) The President shall make rules—

(a) for the allocation of business to the Ministers ; and

(b) for the more convenient transaction of business with the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Chief Commissioner and the Council of Ministers or a Minister.

(2) All executive action of the Chief Commissioner, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Chief Commissioner.

(3) Orders and other instruments made and executed in the name of the Chief Commissioner shall be authenticated in such manner as may be specified in rules to be made by the Chief Commissioner, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Chief Commissioner.

CHAPTER IV—*Miscellaneous*

44. Consolidated Fund of the State.—(1) As from the 1st day of April, 1952, all revenues received by the Government of India in a State in relation to any matter enumerated in the State List, all revenues received by the Chief Commissioner and all grants made from the Consolidated Fund of India to the State shall form one Consolidated Fund to be entitled “the Consolidated Fund of the State.”

(2) No moneys out of the Consolidated Fund of a State shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act :

Provided that the balance standing at any time at the credit of the Consolidated Fund of a State shall not be less than such amount as the President may by order specify.

(3) The custody of the Consolidated Fund of a State, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Chief Commissioner with the approval of the President.

45. Relation of Chief Commissioner and his Ministers to the President.—Notwithstanding anything in the foregoing provisions of this Part, the superintendence, direction and control in all matters relating to the administration of a State shall continue to be vested in the President, and the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President.

46. Provision in case of failure of constitutional machinery.—If the President, on receipt of a report from the Chief Commissioner of a State or otherwise, is satisfied that a situation has arisen in which the administration of the State cannot be carried on in accordance with the provisions of this Part, the President may, by order, suspend the operation of

all or any of the foregoing provisions of this Part for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the State in accordance with the provisions of article 239 and the other provisions of this Act.

47. Amendment of Act XLIII of 1950.—The enactment specified in the Second Schedule is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE

[See sections 4 (2), 19 and 42 (4).]

FORMS OF OATHS OR AFFIRMATIONS.

I

Form of oath of office for a member of the Council of Advisers or Council of Ministers.

"I, A. B., do swear in the name of God that I will bear true faith and
solemnly affirm

allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Councillor (or Minister) for the State of _____, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill."

II

Form of oath of secrecy for a member of the Council of Advisers or Council of Ministers.

"I, A.B., do swear in the name of God that I will not directly or indirectly
solemnly affirm

communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Councillor (or Minister) for the State of _____, except as may be required for the due discharge of my duties as such Councillor (or Minister)."

III

Form of oath or affirmation to be made by a member of the Legislative Assembly of Himachal Pradesh or Vindhya Pradesh.

"I, A.B., having been elected (or nominated) a member of the Legislative Assembly of _____ do swear in the name of God that I will
solemnly affirm

bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

THE SECOND SCHEDULE

(See section 47.)

Year 1	Number 2	Short title 3	Amendments 4
1950 .	XLIII .	The Representation of the People Act, 1950.	In clause (cc) of section 2, for the words, figures and letter " or group of such States referred to in section 27A " the words " specified in the first column of the Fifth Schedule " shall be substituted.

In section 27A—

(i) in sub-sections (2), (3) and (4), the words " or group of States ", wherever they occur, shall be omitted ;

(ii) in sub-section (3), the words " as the case may be " shall be omitted ;

(iii) after sub-section (4), the following sub-section shall be inserted, namely :—

" (4A) The electoral college for the group of States of Bilaspur and Himachal Pradesh shall consist of—

(a) the member of the House of the People representing the State of Bilaspur, and

(b) the elected members of the Legislative Assembly of the State of Himachal Pradesh ;"

(iv) at the end of sub-section (5), the following sub-section shall be added, namely :—

" (6) The electoral college for the State of Vin-dhya Pradesh shall consist of the elected members of the Legislative Assembly of that State ".

In section 27B, the words " or group of States " shall be omitted.

1

2

3

4

In clause (a) of section 27C, the words "or group of States", in the two places where they occur, shall be omitted.

For sub-section (1) of section 27E, the following sub-section shall be substituted, namely :—

"(1) The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section."

In sub-section (1) of section 27F, the words "or group of States", in the two places where they occur, shall be omitted.

Section 27K shall be omitted

In the Fifth Schedule,—

(a) the entries in columns 1 and 2 relating to the items "3. Bilaspur and Himachal Pradesh", and "7. Vindhya Pradesh" shall be omitted ;

(b) items 4, 5 and 6 in column 1 shall be renumbered as items 3, 4 and 5, respectively.

STATEMENT OF OBJECTS AND REASONS

Government have had under consideration the question of the future set-up in Part C States. In the statement to the House made on the 16th March, 1951, on the resolution moved by Shri Mukut Behari Lal Bhargava, the scheme which Government had in contemplation was explained in very general terms. Briefly stated the position arising out of the statement then made is as follows:—

Having regard to the different stages of development of these States and their geographical and other conditions such as their strategic importance, economic backwardness and history, it would not be possible to treat them on a uniform basis. Government therefore proposed to have a Legislature and a Council of Ministers in Vindhya Pradesh and Himachal Pradesh after the elections. In other States except Bilaspur and,

until the elections, in Vindhya Pradesh and Himachal Pradesh as well, the Chief Commissioner would share the administration with a Council of Advisers who will be drawn from public leaders who would command, to the extent that the President could judge a matter of this sort, public confidence.

It was promised that the details would be filled up and a Bill would be introduced as early as possible in the current session of Parliament. A draft Bill has accordingly been prepared.

2. The Bill provides in the first place for the setting up of a Council of Advisers in all States except Bilaspur. The reasons for excluding Bilaspur from the scope of this scheme have already been explained to the House in the statement referred to above. The Advisers whose numbers will vary according to the requirements and conditions in each State, would be appointed by the President and serve during his pleasure. The President will also make Rules of Business allocating the subjects with which the Advisers will deal and lay down how the business of the Chief Commissioner in Council shall be conducted. Provision has also been made for exempting the Advisers from any disqualification that might attach to their membership of Parliament owing to their official position and also for enabling the Chief Commissioner to continue to discharge such judicial or quasi-judicial functions as might have been conferred on him by statute. In other respects, subject to the Rules of Business which might be framed, the Advisers will assist the Chief Commissioner in the discharge of his functions under Article 239 of the Constitution.

8. In Part III the Bill provides for the setting up of Legislative Assemblies and Councils of Ministers in Himachal Pradesh and Vindhya Pradesh after the coming general elections. The main features of this part of the Bill are:

(a) The Legislature will consist of 48 Members for Vindhya Pradesh out of whom 6 would be nominated and 42 elected and of 24 for Himachal Pradesh out of whom 8 would be nominated and 21 elected. Of the elected seats, 4 seats in each State would be reserved for Scheduled Castes and 4 seats would be reserved in Vindhya Pradesh for Scheduled Tribes. This reservation has been made on the basis of the population determined by the President under the Representation of the People Act, 1951. The intention in providing for nominated membership is to enable the Legislature to have at its disposal the services of men with knowledge and experience of public affairs who might not be available through the normal machinery of election. The elections would be held on adult franchise and the provisions relating to delimitation of constituencies, duration of the Legislative Assemblies, preparation of electoral rolls for Assembly constituencies, qualification for membership, etc., follow generally the provisions made in the Constitution for Part A and Part B States.

(b) The Bill authorises the Chief Commissioner to preside over the meetings of the Legislative Assembly until such time as the President otherwise determines. The intention is that as soon as the development of parliamentary traditions and knowledge and experience of parliamentary affairs in these institutions justify, this arrangement should be terminated and the Legislature should be enabled to elect a **Speaker**.

(c) The Legislature has been authorised to make laws for all matters in the State or Concurrent List but a provision has been made for previous sanction of the President to the introduction of a Bill or amendment in respect of certain important matters in the State List and all matters in the Concurrent List. Parliament will also have Concurrent powers of legislation in regard to the State List. This is considered necessary partly because these matters involve important considerations of public revenues and public policy and partly because it is felt that at least for some time to come, there should be a closer central scrutiny of State legislation at an earlier stage to obviate any embarrassment that might be caused by refusal of assent.

(d) Provisions in regard to other matters such as voting, powers and privileges of members, their disqualifications, salaries and allowances and finance bills follow the lines of similar provisions in the Constitution for Part A and Part B States.

(e) All Bills passed by the Legislatures of these States will require the assent of the President.

(f) Simultaneously with the first meeting of the Legislative Assembly the Council of Advisers will be dissolved and a Council of Ministers will be set up. Thereafter the administration of the State will vest in the Chief Commissioner acting with his Council of Ministers except in so far as he might be required under any law to exercise any judicial or quasi-judicial functions. The President will appoint the Chief Minister and the other Ministers will be appointed by him on the advice of the Chief Minister. The President will also make Rules for the more convenient transaction of the business of the Council and for the allocation of business to the Ministers.

(g) Each State will, with effect from the 1st April, 1951, have a consolidated fund of its own to which all revenues received by the Government of India in the State in relation to any matter enumerated in the State List, all revenues received by the Chief Commissioner and all grants made from the consolidated fund of India to the State shall be credited.

(h) The superintendence, direction and control of the administration of the State shall continue to vest in the President and provision has been made for the suspension of the operation of the provisions of the Bill in the event of the President being satisfied that the administration of the State cannot be carried on in accordance with the provisions of the Bill.

4. Provision has also been made for certain incidental matters.

N. GOPALASWAMI.

NEW DELHI;

THE 28th April, 1951.

M. N. KAUL,
Secretary.

